

REMARKS

The foregoing amendments and these remarks are in response to the Final Office Action dated March 31, 2009. This amendment is filed with a Request for Continued Examination, and a request for a three month extension of time and authorization to charge Deposit Account No. 50-0951 for the appropriate fees.

At the time of the Office Action, claims 1-11 were pending in the application. In the Office Action, claims 1-3 were rejected under 35 U.S.C. §102(b). Claims 4-11 were rejected under 35 U.S.C. §103(a). Claims 4-11 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting. The rejections are discussed in more detail below.

I. Claim Rejections Based on Art

Claims 1-3 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,353,730 to Kinno ("*Kinno*"). Claims 4-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,304,619 to Futer ("*Futer*") in view of U.S. Patent No. 4,506,453 to Shirley, Jr. et al ("*Shirley*").

The Applicant respectfully requests the Examiner to reconsider the lack of novelty objection in connection with claims 1-3. In *Kinno*, the granulation spaces A and C, which can be compared to the granulation fluid bed of claim 1, are fed with a flow 16 of fluidizing air, while the intermediate cooling bed B, which can be compared to the cooling fluid bed of claim 1, is fed with a flow 15 of cooling air. Flows 15 and 16 are separate, independent, distinct flows of air. On the contrary, according to the process of claim 1, at least a portion of the air used to cool down and fluidize the cooling fluid bed is used as fluidification air in the granulation fluid bed as well.

In other words, if a person of ordinary skill in the art wanted to carry out the process of the present application in the system of *Kinno*, it would require that at least a portion of the air flow 15 that is fed to the intermediate cooling bed B is also used as fluidification air into the granulation spaces A and C instead of air flow 16. However, this is clearly not what *Kinno* teaches.

A great advantage in terms of energy saving obtained by the present application when compared to processes such as that disclosed in *Kinno* can for instance be found at page 11, lines 1-19 of the application. This is realized from the reuse of the cooling air in the granulation bed.

Additionally, the assertion in the Office Action that at column 3 lines 45 and 56, *Kinno*

discloses that substantially all of the fluidification air coming out from the cooling bed (B) is used as fluidification air for the granulation bed (A, C) is incorrect. To the contrary, *Kinno* teaches that granules that are not of a desired size may be recycled as a priming charge to the first-stage granulator. These are equivalent to the granule seeds of the present claims. There is no teaching in *Kinno* of reusing the fluidification air flow.

Futer is silent about an apparatus for carrying out a granulation process as recited in claim 4 and about an apparatus comprising a granulation space intended to support a granulation fluid bed (i.e. a space suitable to make seeds growing up to granules), as it is recited in present claim 6. *Futer* does not teach a granulation process at all, but rather a process for changing the temperature of granules that have already been formed. Further, there is no granulation fluid bed, there is no cooling fluid bed, and there is not a single flow of fluidification air that both forms and supports the cooling and granulation beds.

Futer is merely related to a cooling apparatus having a single bed (table 10, which is not a fluid bed), having an inclined area 11 and a horizontal area 12 (fig 1) or only a horizontal area 12 (fig 4). *Futer* is thus fully silent about a self-supporting structure comprising within a same space two horizontal beds (fluid beds can only be horizontal), arranged in series, the one positioned over the other. Also the feature of a downcomer extending vertically in the space containing the two superimposed fluid beds is missing from *Futer*. Indeed, none of the features recited in present claim 6 can be found in *Futer*, and thus this document is believed not relevant at all with respect to the claimed apparatus.

The Office Action also cited *Shirley*, column 5, lines 16-41 and figure 5 as relevant disclosure to show a series fluid bed arrangement as for the present application. First, it is noted that this document contains two figures only (see front page) and thus cited figure 5 is non-existent. Secondly, the cited passages are related to a rotary drum that has nothing to do with a fluid bed. The series arrangement is also missing. Therefore also this document is of no relevance for the present case.

The subject matter of claim 1 is believed to be patentable. The dependent claims are also believed allowable because of their dependence upon an allowable base claim, and because of the further features recited.

II. Double Patenting Rejection

Claims 4-11 were provisionally rejected on the ground of nonstatutory obviousness-type

double patenting as being unpatentable over claims 1-10 of copending Application No. 10/599,751.

In view of the arguments above, this provisional rejection is clearly unfounded and is traversed. The present invention and the invention claimed in copending application No 10/599,751 are distinct and not comparable. Although both applications are concerned with a granulation process and apparatus, the present application is focused on the exploitation of the same fluidification air flow for the cooling and the granulation beds ("a re-use step"), while US 10/599,751 is focused on a particular manner of producing granules. No mention is made in US 10/599,751 of how the produced granules are cooled and about the possibility of reusing the cooling air as fluidification air in the granulation fluid bed. It is thus clear that they are patentably distinct from one another. Withdrawal of this rejection is respectfully requested.

III. Conclusion


For the foregoing reasons, all claims are believed to relate to patentable subject matter, and to be in condition for allowance. Prompt issuance of a Notice of Allowance is thus respectfully requested.

Applicant has made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicants respectfully request reconsideration and prompt allowance of the pending claims.

Respectfully submitted,

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